

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION**

DEBORAH E. MESSEY,)
Plaintiff,)
)
v.) **CIVIL NO. 5:11-CV-88**
)
MICHAEL J. ASTRUE,)
Commissioner of Social Security,)
Defendant) **ORDER**

THIS MATTER IS BEFORE THE COURT on the *Plaintiff's Application for an Award of Fees and Expenses under the Equal Access to Justice Act* filed on January 8, 2013.

By *Response* dated January 17, 2013, the Defendant advises that he does not oppose an award of legal fees in the amount of \$1592.50 provided this is the only petition filed by Plaintiff in this case under 28 U.S.C. §2412(d).

IT IS ORDERED that "Plaintiff's Application for an Award of Fees and Expenses under the Equal Access to Justice Act" (Docket no. 18) is **GRANTED**, to the extent that the Court will award attorney fees in the amount of \$1592.50, and that, pursuant to *Comm'r of Soc. Sec. v. Ratliff*, ---- U.S. ----, 130 S.Ct. 2521 (2010), the fee award will first be subject to offset of any debt Plaintiff may owe to the United States. The Commissioner will determine whether Plaintiff owes a debt to the United States. If so, the debt will be satisfied first and, if any funds remain, they will be made payable to Plaintiff and mailed to Plaintiff's counsel. If the United States Department of the Treasury reports to the Commissioner that the Plaintiff does not owe a federal debt, the Government will exercise its discretion and honor an assignment of EAJA fees, and pay the awarded fees directly to Plaintiff's counsel. No additional petition pursuant to 28 U.S.C. §2412(d) shall be filed.

SO ORDERED.

Signed: January 17, 2013

D S Cayer

David S. Cayer
United States Magistrate Judge

